

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION -FLINT

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO.: 00-CR-50034-9FL

vs.

HON. PAUL V. GADOLA
MAG. JUDGE WALLACE CAPEL, JR.

DONALD TALBERT, III,

Defendant.

ORDER OF DETENTION
PENDING REVOCATION PROCEEDINGS

The Defendant appeared before the Court on August 23, 2005, based upon a Petition and Warrant for violation of his conditions of supervised release, filed on August 16, 2005.

The Defendant is charged with violation of the Standard Condition Number 7 by ingesting cocaine and for using marijuana. He also tested positive for the use of cocaine. Additionally, he is charged with violation of the Standard Condition prohibiting him from committing another federal, state, or local offense. The Defendant was also arrested for possession with intent to deliver cocaine, possession with intent to deliver heroin, felon in possession of a firearm, and for maintaining a drug house.

The report of the Probation Officer in this matter indicates that the Defendant began his term of supervised release on January 30, 2004. The report further indicates that the Defendant used cocaine and tested positive in April, 2004. He used marijuana in mid-April, 2005. His arrest on the drug charges stems from the execution of a search warrant issued in March, 2005.

Based upon the information presented at the hearing, it appears that the Defendant has

continued to use illegal substances and engage in criminal drug activity. Furthermore, the Court finds that the Defendant poses a danger to the community by maintaining a drug house and for possessing a loaded hand gun.

Accordingly, the Defendant shall be detained without bond in this matter pending further proceedings before the district court judge.

The Defendant is hereby remanded to the custody of the United States Marshal.

IT IS SO ORDERED.

DATED: August 24, 2005

s/ Wallace Capel, Jr.
WALLACE CAPEL, JR.
United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that on August 24, 2005, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send such notification of such filing to the following: James C. Mitchell, AUSA, and I hereby certify that I have mailed by United States Postal Service/hand delivered the paper to the following non-ECF participants: Kenneth S. Karasick 700 Mott Foundation Bldg., Ste. D, Flint, MI 48502, United States Marshal, 600 Church St., Flint, Michigan 48502, Probation Officer, 600 Church St., Flint, Michigan 48502

s/ James P. Peltier
James P. Peltier
Courtroom Deputy Clerk
U.S. District Court
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